

## INTERGOVERNMENTAL CLAIMS

*Exchange of notes at Washington February 19 and 28, 1947, relating to  
interpretation of agreement of March 27, 1946  
Entered into force February 28, 1947*

61 Stat. 3012; Treaties and Other  
International Acts Series 1635

*The Secretary of State to the British Ambassador*

DEPARTMENT OF STATE  
WASHINGTON  
*Feb. 19, 1947*

### EXCELLENCY:

I have the honor to refer to the "Agreement on Settlement of Intergovernmental Claims", which was one of the specific Agreements between the British Government and the United States Government signed on March 27, 1946,<sup>1</sup> pursuant to the Joint Statement of December 6, 1945, Regarding Settlement for Lend-Lease, Reciprocal Aid, Surplus War Property, and Claims.<sup>2</sup> Paragraph 6 of the Agreement provides "that all financial claims whatsoever of one Government against the other which (a) arose out of lend-lease or reciprocal aid, or (b) otherwise arose on or after September 3, 1939 and prior to September 2, 1945 out of or incidental to the conduct of World War II, and which are not otherwise dealt with in the Agreements concluded this day, are hereby waived, and neither Government will hereafter raise or pursue any such claims against the other."

A question has been raised as to whether the expression "all financial claims whatsoever of one Government against the other which (a) arose out of lend-lease or reciprocal aid, or (b) otherwise arose on or after September 3, 1939 and prior to September 2, 1945 out of or incidental to the conduct of World War II" is properly interpreted as applying to claims submitted in accordance with the practice whereby one government espouses a claim of one of its nationals and presents it through diplomatic channels to another government. After consideration of the general purposes of the waiver of claims provision and of the discussions leading to the adoption of that pro-

<sup>1</sup> TIAS 1509, *ante*, p. 753.

<sup>2</sup> TIAS 1509, *ante*, p. 700.

vision, the Department has concluded that the proper interpretation of the Agreement is that such espoused claims are not properly included among the financial claims covered by the Agreement.

I would appreciate being advised whether your Government concurs in this interpretation.

Accept, Excellency, the renewed assurances of my highest consideration.

For the Secretary of State:

DEAN ACHESON

His Excellency

The Right Honorable

THE LORD INVERCHAPEL, P.C., G.C.M.G.,

*British Ambassador.*

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*The British Ambassador to the Secretary of State*

BRITISH EMBASSY,

WASHINGTON

*February 28th, 1947*

No. 95  
Ref. 4171/6/47

SIR:

I have the honour to refer to Mr. Acheson's note of February 19th in which he gave an interpretation of paragraph 6 of the "Agreement on Settlement of Intergovernmental Claims" which was signed by representatives of His Majesty's Government and the United States Government on March 27th, 1946.

I am pleased to inform you that His Majesty's Government concur in the interpretation presented in Mr. Acheson's note.

I have the honour to be with the highest consideration, Sir,

Your most obedient humble Servant

INVERCHAPEL

The Honourable

GEORGE C. MARSHALL,

*Secretary of State,*

*Department of State,*

*Washington, D.C.*